

MINUTES
WOODSTOCK PLAN COMMISSION
City Hall Council Chambers
December 14, 2023

A regular meeting of the Woodstock Plan Commission was called to order by Chairman Cody Sheriff at 7:00 PM on Thursday, December 14, 2023, in the Council Chambers at Woodstock City Hall.

A roll call was taken.

PLAN COMMISSION MEMBERS PRESENT: Arturo Flores, Steve Gavers, Doreen Paluch, Richard Ryan, and Chairman Cody Sheriff.

Commissioner Jackie Speciale arrived at 7:02 pm.

PLAN COMMISSION MEMBERS ABSENT: Rick Bellairs.

STAFF PRESENT: Building and Zoning Director Joe Napolitano, Planner Darrell Moore, Executive Director of Operations Christina Betz, City Attorney TJ Clifton, Executive Director of Business Development Danielle Gulli, Economic Development Director Garrett Anderson and Commission Clerk Melissa McCain.

APPROVAL OF AGENDA:

Chairman Sheriff moved item 3a to the front of the agenda.

Motion by Paluch, second by Gavers, to approve the agenda as amended. All present signified by saying aye. Motion carried.

ACCEPTANCE OF MINUTES

Motion by Paluch, second by Ryan to accept the minutes of the November 16, 2023 Plan Commission meeting as presented. All present signified by saying aye. Motion carried.

1. PUBLIC COMMENTS

There were no public comments.

2. NEW BUSINESS:

- a. *Public Hearing, Text Amendment to the Unified Development Ordinance to Allow Government Offices as s Special Use in the B5 Shopping Center District, and Special Use Permit to allow a Government Office (elections) at 410 S. Eastwood Drive.*
Petitioner: Sam Markos and City of Woodstock.

Chairman Sheriff identified the subject of the Public Hearing at 7:05 pm.

A roll call was taken to establish the presence of a quorum.

PLAN COMMISSION MEMBERS PRESENT: Arturo Flores, Steve Gavers, Doreen Paluch, Richard Ryan, Jackie Speciale and Chairman Cody Sheriff.

PLAN COMMISSION MEMBERS ABSENT: Rick Bellairs.

Noting the presence of a quorum, Chairman Sheriff opened the Public Hearing at 7:05 PM.

Building and Zoning Director Joe Napolitano noted that all public hearing requirements have been met and this item was ready for discussion and consideration by the Commission.

Applicant Sam Markos was sworn in by Chairman Sheriff.

Mr. Markos advised that McHenry County would like to rent the former Aldi tenant space, 410 S. Eastwood Drive, for the next ten (10) years and utilize the space for voting offices and election equipment storage.

Director Napolitano summarized the staff report and stated that the former Aldi space is zoned B5 Highway Commercial District and would meet the needs of the County, but there is a conflict in the Unified Development Ordinance (UDO) regarding allowable uses in the B5 District. Under the Office category, Public/government office is listed as a permitted use in the B5 District, but under the category Public, Quasi-Public, Institutional, Civic and Fraternal, Government offices/agencies are not listed as a permitted use in the B5 District. Conflicting provisions are addressed in Section 1.8 of the UDO, the language states that when the provisions of the UDO are inconsistent with one another, the more restrictive provisions shall control.

Continuing, Director Napolitano stated that staff has reviewed the past record to determine how and when this inconsistency in the language first appeared. Based on this review, it appears that this language was included in the original draft of the UDO, first adopted in 2007. Staff also looked at the Plan Commission minutes from the UDO discussions and could not find any instance where government offices were discussed. Therefore, it is unclear if the intent at the time was to prohibit or allow government offices in the B5 District. The Woodstock Zoning Ordinance in place prior to the adoption of the UDO allowed government offices as a permitted use in the B5 District.

B5 is the City's shopping center district, and the predominant uses should be retail and service, which generate traffic and sales tax. On the subject property, there is already a government office/facility use, the IL Secretary of State Driver's License facility. However, after much discussion among staff, it was recommended to the petitioner to proceed with the requested text amendment and special use permit. Since Woodstock is the county seat and home to many government functions (unlike other cities and towns in the county), there is a potential for additional government offices to locate on B5 properties. The special use process allows for a more thorough review as to whether or not a location is appropriate and allows the City to include conditions to address potential impacts.

Staff are not opposed to allowing the request, but recommends that this use be limited to a 10-year period, with any future extensions being granted by the City Council. This would give the City the ability to review conditions on the site and surrounding area at that time to determine if the property would be better suited for retail opportunities.

Questions/Comments by the Plan Commission

Commissioner Paluch inquired if the special use was going to be specific to the B5 zoning district and not across the board. Director Napolitano advised that was correct.

Commissioner Gavers inquired if the parcel was going to remain one parcel or be split zoning. Director Napolitano advised it would remain one parcel.

Questions and Comments by the Public

There were no public comments.

Deliberation by the Plan Commission

Chairman Sheriff asked for a motion to approve a Zoning Text Amendment to Table 7A.4, Allowed and Special Use Permit, to allow Government offices and facilities as a Special Use in the B5 Shopping Center District. Motion made by Paluch and seconded by Gavers.

Roll call vote: Ayes: Flores, Gavers, Paluch, Ryan, Speciale and Chairman Sheriff. Nays: None. Absent: Bellairs. Motion carried.

Chairman Sheriff asked for a motion to recommend that a Special Use Permit to allow a government office for McHenry County Elections at 401 S. Eastwood Drive be approved for a 10-year period, with any future extensions being authorized by the City Council. Motion made by Paluch and seconded by Ryan.

Roll call vote: Ayes: Flores, Gavers, Paluch, Ryan, Speciale and Chairman Sheriff. Nays: None. Absent: Bellairs. Motion carried.

3. OLD BUSINESS:

- a) **Public Hearing, Approval of an Amendment to the Official Comprehensive Plan Land Use Map to designate the subject property Neighborhood Development instead of Resource Conservation and Resource Conservation Corridor; Approval of a Zoning Map Amendment from R1B (City of Woodstock) and A1 (McHenry County) to R3 Single-Family Attached Residential District; and Approval of a Special Use Permit for a Preliminary Plat and Planned Unit Development to allow +/- 320 single-family detached and duplex homesites on 282 lots generally located East of Doty Road and North of Lucas Road. Petitioner: Lennar Corporation, Richard Murphy.**

Chairman Sheriff identified the subject of the Public Hearing.

A roll call was taken to establish the presence of a quorum.

PLAN COMMISSION MEMBERS PRESENT: Arturo Flores, Steve Gavers, Doreen Paluch, Richard Ryan, Jackie Speciale, and Chairman Cody Sheriff.

PLAN COMMISSION MEMBERS ABSENT: Rick Bellairs.

Chairman Sheriff asked Director Napolitano if all the public hearing requirements have been met. Director Napolitano advised they had.

Noting the presence of a quorum, Chairman Sheriff opened the Public Hearing.

Chairman Sheriff swore in the following petitioners representing Lennar:

Tom Burney, Attorney for Lennar Homes
Richard Murphy, Lennar Homes (Director of Land Acquisition)
Rich Olson, Gary Weber, and Associates (Land Planner)
Brad Moore, Manhard Consulting (Engineer)
Rory Fancier, Kimley-Horn (Traffic Engineer)

Attorney Tom Burney stated that in September of 2007, the Plan Commission approved the final plat for Riverwoods Subdivision, which included 201 single-family lots, but did not include the unincorporated 17 acres to the south along Lucas Road. That plat was not recorded due to the economic conditions at the time. Lennar has taken that original plan and made numerous modifications to the layout to preserve trees, address and enhance wetland areas and provide more open space, using many conservation design elements.

Attorney Burney stated that the staff report is very thorough and noted staff concerns as well as actions the petitioner is willing to take to address those concerns. He advised that significant reports and studies have been submitted to the City including, soil borings, engineering, wetland reports, tree inventories all to address the potential impacts to the natural resources, noting wetlands will be preserved and enhanced, trees will be preserved and protected and open spaces will be dedicated for the enjoyment of the public. Attorney Burney further noted that the current plan is less harmful than the approved 2007 plan and includes a Memorial Drive road connection and the extension of sewer and water to the Lucas Road corridor.

Richard Murphy, Lennar Homes, reviewed Lennar's history and stability as a builder, noting the numerous communities they have and are working in. He noted that Lennar has its own mortgage company and assists with people getting into homes.

Rich Olson, Gary Weber and Associates, reviewed the Concept Plan and amenities being proposed. Mr. Olson advised that the developer has looked at many planning factors before coming up with this concept plan including the surrounding area, zoning map, Comprehensive Plan, and existing conditions on the site. The site is currently being farmed and has both wooded and natural features and the Comprehensive Plan contemplates residential for this site.

Continuing, Mr. Olson advised that the developer is proposing a mix of detached single-family

residential and duplex homes, with the duplexes located closer to Lucas Rd. Mr. Olson referenced the site layout and indicated that there are substantial green space areas in the development. A new road would cross the Kishwaukee and connect to Memorial Drive at the Hospital site to provide access from Doty Road. The plan also would create the ability for an additional road entrance to the west, when and if that western site was developed.

Mr. Olson went on to review the green space areas and advised that 53 acres are being proposed to be developed as open space areas, which equates to 40% of the development which is 5% more than required by City Code. This would include over a mile of trail system that would run through the development and link to the hospital site and US Route 14.

Mr. Olson reviewed an exhibit of a landscape plan, noting that there are additional trees being proposed to be planted with one tree in the front yard and one tree in the back yard as buffers as well as trees and ornamental plantings at the entrances. Mr. Olson stated that the developer has modified the plan on numerous occasions to incorporate the preservation of as many trees as possible. To accomplish this, a tree inventory was used, which identified all the trees on the property and graded factors such as age of tree, quality of tree, lifespan of tree and condition of the tree. Taking this inventory into consideration, the developer modified the plan to preserve as many trees as possible and those areas are designated as preservation areas maintained by the homeowner's association as a community space. 70% of the lots back up to some form of greenspace. Mr. Olson presented an exhibit of the Woodlore Development in Crystal Lake as a similar example of a Lennar Development.

Attorney Burney asked Mr. Olson if he had reviewed the standards of the Unified Development Ordinance pertaining to the rezoning, special use planned development and the amendments to the Comprehensive Plan and what has he concluded? Mr. Olson concluded that this development is in conformance with all the standards as proposed.

Attorney Burney asked if this plan was a preliminary plat. Mr. Olson advised that it was a preliminary plat. Attorney Burney further asked if the plat has met the standards of a preliminary plat submission. Mr. Olson replied that it does meet the standards set for the submission of a preliminary plat.

Richard Murphy, Lennar Homes, reviewed several exhibits of the architecture proposed and summarized by stating there are four different elevations for the single-family homes all consisting of 3-4 bedrooms, two to two and a half baths with partial basements ranging from 1,700 sq ft – 2,600 sq. ft. and two car garages with an optional third car space. Mr. Murphy went on to review exhibits and example renderings of the duplex units that would be a mix between one and two-story buildings.

Attorney Burney advised that this was the end of the developer's testimony at approximately 7:40 pm.

Director Napolitano summarized the staff report and stated that the property was annexed into the City in 1988, along with an additional 148 acres to the north. That development proposal never

moved forward. In 2003, Realen Homes first presented a residential conceptual plan for the property and after numerous revisions, a preliminary plat was approved in 2007 by the Council. A final plat for a portion of the subdivision was approved by the City Council in 2007; however, Realen Homes never recorded that plat with McHenry County, so it is no longer valid.

Continuing, Director Napolitano advised that staff has worked with the developer over the last two years and they have incorporated many of the conservation-design standards, but that it isn't necessarily a conservation-designed development. The developer has provided required wetland and stormwater management studies to show that this development can work on this property.

The petitioner is requesting a zoning map amendment from R1B Residential District and A1 Agricultural District to R3 Single-Family Attached Residential District for the entire site. Proposed single family lots would meet the 8,000 sq. ft. minimum lot size in the R3 District, but the petitioner is requesting to reduce the side yard setback from 8 foot to 6 foot. The duplex lots are proposed as 8,375 sq. ft. lots, which is less than the required minimum of 10,000 sq. ft. and the request also includes a reduction in the side yard setback of 6 ft. as opposed to the 7 ft. minimum requirement.

The developer is also requesting a Planned Unit Development, which is a flexible design tool which allows the City to make exceptions to strict requirements of the code in exchange for enhanced design, more open space design features. There are several PUD design requirements in the UDO and the proposal meets many of those PUD standards.

Preliminary engineering plans have been submitted and reviewed by the City Engineering Department. Initial comments were provided and the petitioner's engineering consultant has made necessary revisions. Overall, there are no significant engineering or infrastructure issues that would significantly hinder the proposed development. There is a farmed wetland on the property and the developer has obtained necessary Army Corp permits to mitigate that wetland. Engineering, stormwater management and wetland mitigation plans must comply with the City's stormwater regulations and requirements.

Concerning the 2008 Comprehensive Plan, Director Napolitano advised that the City's plan is outdated and is in the process of being updated. It was developed at a time when the City had experienced tremendous growth and development, but also at the start of the great recession in 2008. Since the plan was adopted, not a single new residential subdivision has been planned and built in the City.

Questions/Comments by the Plan Commission

Commissioner Speciale inquired on a timeline for the subdivision. Mr. Murphy advised that the construction of the road to Memorial Drive and the lift station would be the first infrastructure completed with an expectation of models to be built in the fall of 2024 and homes being delivered in 2025. Duplexes are anticipated to take 2-3 years to complete, and the single-family development will take approximately 3-4 years to complete.

Commissioner Gavers inquired if there would only be one water main and if it would be a looped system. Brad Moore, Manhard Consulting advised it would be a closed system with the ability to add onto to the system on the west side when that property develops.

Executive Director Betz advised that the City would be able to accommodate the water main and system as planned by the developer.

Commissioner Gavers inquired if the developer has had a hydrologist review the wetland area toward the back of the property to be aware of the water levels. Mr. Murphy advised that it is not a wetland issue, it is a geotechnical issue, and they have the original study and have completed additional borings done to a minimum of 15 feet analyzed from top of foundation and the footing.

Commissioner Gavers expressed concerns with homes with basements in that area as there is another section of town where the homeowners have several sump pumps that are continuously running, and basements get flooded. He asked if there was a baseline water level. Mr. Moore advised at the elevation of the Kishwaukee, the lowest home elevation is 15 feet above that of the Kishwaukee. The low-lying areas are being preserved and maintained and BMTs are being added for that drainage corridor.

Executive Director Betz advised that the City's engineering review team is very cognizant of the concerns expressed by Commissioner Gavers and is working with the developer on the plans to adjust the plans to address those concerns.

Commissioner Paluch advised that the Commission is considering three items tonight; an amendment to the Comprehensive Plan, an amendment to the Zoning Map from R1B to R3 and approval of a Special Use Permit/PUD. Staff has given the Commission the criteria to consider the zoning map amendment and special use/PUD, but there are no criteria provided to evaluate a Comprehensive Plan amendment.

Director Napolitano advised that the Comprehensive Plan does not have criteria for amendments. He noted that the Comprehensive Plan designates most of the property as Neighborhood Development with Resource Conservation along the Kishwaukee River.

Commissioner Paluch advised that when she compares the development to the Comprehensive Plan there is a good portion of the site that contains homes in the Resource Conservation Area. The question then is what change, if any, has there been to the natural resources since the 2008 Comprehensive Plan that we are trying to preserve in that area to justify an amendment to the Comprehensive Plan.

Director Napolitano advised that when the Comprehensive Plan was done, they did not look at individual sites, the line was drawn to best reflect where the general boundaries where the resource conservation area is, there was no field survey to specify areas, it is just a general line on the map and is not exact to cover every item, it is a representation of areas to be caution with.

Attorney Burney advised that when the Comprehensive Plan was created, he did not believe that the City took into consideration that this property was already zoned for 201 single family lots. The amendments to the Comprehensive Plan would create a document that is consistent with the development rezoning and in the future, it will indicate that the City has been following its Comprehensive Plan.

Commissioner Paluch advised that she did not recall anytime during her tenure anyone coming before the Commission to amend the Comprehensive Plan. She felt the Commission might be setting precedent with no criteria to consider for the amendment to the Comprehensive Plan.

Mr. Burney advised that this plan has been through a rigorous review and the plan being presented justifies an amendment to the Comprehensive Plan.

Commissioner Paluch noted the NRI report indicates a large portion of the site has severe soil limitations that would limit basements. Mr. Moore responded by stating that the developer has done extensive soil borings on the site, both on low and high ground, and added that the wetland corridor is not suited for basements and that is not what the developer is looking to propose. All locations for homesites will have soil borings completed with a full report and a professional's recommendations on foundations and foundation types. Mr. Murphy added that there are individual borings for the site and if there is a soil boring that indicates the area is unsuitable, they do extra borings to see what the limitations are of that area.

Attorney Burney asked Mr. Murphy what the Lennar standard is for PSI in terms of what a foundation can be built on. Mr. Murphy advised 3,000 lbs. per square foot and if you go below that there is remediation done to compensate. Mr. Murphy further noted that there will be a geotechnical engineer onsite during the digging of the foundations.

Chairman Sheriff reminded the Commission that engineering is not in the purview of this Commission and requested that the Commissioners concentrate on impacts on natural resources. Commissioner Paluch responded that she was inquiring on engineering items to illicit testimony that may address the concerns that have been brought up by the public.

Chairman Sheriff advised that there are standards that must be met and either the developer meets those standards, and the homes are built, or they don't meet those standards and they can't build.

Commissioner Paluch asked the developer to address and review the traffic study that was submitted. Traffic Engineer Rory Fancier, Kimley-Horn, reviewed the submitted traffic study. She stated that the traffic impact study takes into consideration existing conditions and how existing intersections operate as well as forecasts of future traffic conditions. The developer conservatively used a higher growth rate than was projected by the Chicago Metropolitan Agency of Planning and assigned estimated trips generated from this development. The existing roadways have capacity to support the traffic generated from this development.

Continuing, Engineer Fancier stated that during peak hours the average motorist is waiting 20 seconds to make their movement, but at the Route 14 and Doty northbound approach, a motorist will

have somewhat higher delays, but these can be addressed by adjusting the traffic signal timing. It was noted that the traffic study has a 10-year time horizon.

Attorney Burney asked Engineer Fancier if she reviewed the neighbors' concerns about the intersection of Lucas Road and Route 47, and what solutions are possible?

Engineer Fancier advised that she reviewed 5-year crash history as reported by IDOT. Based on the crash history and the projected volume of traffic, there is a delay for westbound exiting the development heading westbound on Lucas to 47, which is not uncommon for a minor stop intersection on an artillery roadway. Based on Kimley-Horn's review of the proposed site plan and evaluation of existing and future traffic conditions, the Route 47 and Lucas Road intersection is projected to adequately accommodate the proposed development without any improvements. It was noted that IDOT does have plans to widen Route 47 and that project may alleviate some of the traffic concerns at the intersection.

Attorney Burney inquired if the area had significant signalized intersections near it if someone is seeking to use an alternative to Rt. 47 and Lucas Road. Traffic Planner Fancier advised there were two points of entrance that allowed for distribution of traffic and allowed local users to utilize signalized intersections such as Route 14 and Doty Road or 176 and Route 47.

Chairman Sheriff asked Executive Director Betz to review ordinances that the City has in place for building permit review, stormwater management etc. for the public knowledge so they understand that these are items that the Plan Commission does not deliberate on and that those items are reviewed by staff and held to the standards as set per the ordinances of the City.

Executive Director Betz advised that when looking at a development the City reviews and requires adherence to the stormwater ordinance as set by the County and adopted by the City. Furthermore, the City's ordinance can be more restrictive, and these are items that are required to be complied with and there are no avenues around those regulations.

Commissioner Ryan expressed concerns with the single-family homes abutting the duplex lots and inquired if the duplexes were necessary. Mr. Murphy advised that the duplexes are part of the community, and the area is lacking affordable housing and felt they are a value to the community.

Attorney Burney asked Mr. Murphy how valuable it is to Lennar to have a variety of housing within the project and is this development style a model that's followed in other areas. Mr. Murphy responded that Lennar's Woodlore development in Crystal Lake has multiple housing types and this development does need progressive housing.

Commissioner Flores had no questions at this time.

Questions and Comments by the Public

Isaac Papier – 10616 Lucas Rd, Woodstock, IL 60098

Mr. Papier advised that he had a well on an adjacent property and felt that with all the building on the site his well may be contaminated or may not regenerate and inquired if Lennar was going to pay for or guarantee that his water and well would not be affected, and if it was, would Lennar provide the water needed to care for his horses.

Mr. Papier also inquired if his property value was to decrease because of the development, would Lennar reimburse him for the loss in value. Mr. Papier further asked for confirmation that the development would not interfere with the current aquifer running through the property.

Steve Wenzel – 2107 Edgewood Ave, Woodstock, IL 60098

Mr. Wenzel inquired if the tree inventory supplied was from the prior builder's submission 15 years ago or if the inventory was a current one.

Lisa Haderlein – 904 N. Jefferson Street, Harvard, IL 60033

Ms. Haderlein advised that she was the Executive Director of the Land Conservancy of McHenry County and inquired on how many undeveloped lots were currently located throughout the subdivisions in Woodstock.

Director Napolitano advised approximately 120-150 scattered throughout the community.

Ms. Haderlein further stated that the first proposal in 2007 was approved for 201 lots and it was suggested they reduce the lot size (originally 12,000 sq. ft.) for more tree preservation, and Lennar is asking for smaller lots sizes, but adding more homes without more tree preservation, and inquired why they are not being required to preserve more trees.

Jeff Tipps – 9607 Lucas Road, Woodstock, IL 60098

Mr. Tipps approached the Commission and noted that the developer mentioned that the 2007 approved plan was more harmful than the current plan presented by Lennar, and he wanted to know what the harm was with the proposed plan.

Christine Kozina – 4613 Mt. Thabor Road, Woodstock, IL 60098

Ms. Kozina inquired on how this development impacted outer areas. For instance, Mt Thabor Road floods in heavy rains and was inquiring with the additional concrete from the development, how will that affect the current flooding issues on Lucas and Mt. Thabor Roads. Further, Ms. Kozina inquired on the impact of the enjoyment of the families and their properties if the side yard setback is granted at 6 feet.

Jason Szatkowski – 5211 Mt. Thabor Road, Woodstock, IL 60098

Mr. Szatkowski advised that he is a farmer near the development and inquired who would be liable if the development moved or destroyed the existing drain tiles, which would render the fields unfarmable.

TJ Liebetrau – 11106 Lucas Road, Woodstock, IL 60098

Mr. Liebetrau inquired on how much of the green space is usable space and how much is retention/detention.

Mark Schwanke – 1360 Infanta Court, Woodstock, IL 60098

Mr. Schwanke asked how many borings were completed and expressed concerns with the borings done prior to dirt being moved and property being at final grade level. Mr. Schwanke inquired what amenities were being provided within this development.

Further, Mr. Schwanke felt that most of the residents from this development will probably travel to Crystal Lake for shopping and this development would not add shoppers to the City of Woodstock, as suggested by the developer.

Rob McCormack – 401 Rose Farm Road, Woodstock, IL 60098

Mr. McCormack asked for clarification concerning the issue that the Commission does not have any criteria to consider for a change in the Comprehensive Plan.

Director Napolitano advised that the Comprehensive Plan does not have any criteria for consideration of an amendment.

Mr. McCormack asked that with no criteria to consider the amendment to the Comprehensive Plan, the Commission would have discretion to vote yes or no on this petition and variations.

Attorney TJ Clifton advised that the Commission does have discretion when considering the amendments requested.

Jim Liebetrau – 721 Barbary Lane, Woodstock, IL 60098

Mr. Liebetrau inquired if the reason for the partial basements was because of the NRI report and the concerns with the water table. Mr. Liebetrau further expressed concerns about not having any information on school impacts and inquired if the township has commented on the impact of additional busing and traffic at the intersections and are the schools aware of the additional students.

Joset Noble – 10903 Lucas Road, Woodstock, IL 60098

Ms. Noble expressed concerns about the water runoff from this development and the impact on her property on Lucas Road. Ms. Noble also inquired about the entrance on Lucas Road if it would have sidewalks or any improvements. Chairman Sheriff advised that there are no traffic signals proposed for that intersection.

Mark Sniegowski – 3702 Doty Road, Woodstock, IL 60098

Mr. Sniegowski requested traffic projections for the Doty Road and Route 14 intersection.

Isaac Papier – 10616 Lucas Rd, Woodstock, IL 60098

Mr. Papier inquired if there had been an EPA study and has the Army Corps of Engineers commented on the suitability of the land for building.

Petitioner's Response

Attorney Burney requested Traffic Engineer Fancier address the traffic report for Doty Road and Route 14. Engineer Fancier advised that at peak hours there are projected 20 inbound vehicles and 55 outbound vehicles. In the evening, it is projected that there would be 60 inbound vehicles and 35 outbound vehicles.

Attorney Burney inquired on what the peak hours were. Engineer Fancier advised that the morning peak hours are considered 7:15 am – 8:15 am and the evening peak hours are considered 3:30 pm – 4:30 pm.

Attorney Burney asked Land Planner Rich Olson to address the question regarding the proposed entrance at Lucas Road. Planner Olson reviewed an exhibit and reviewed the outlot strip all along Lucas Road that will serve as a buffer planted with evergreen, shade trees and ornamental plantings, and at the entrance the green space will also have evergreens, shade trees, ornamental plantings as well as a monument sign.

Attorney Burney asked Planner Olson to review the usable amenities on the site. Planner Olson advised that there would be a tot lot and seating areas at the entrance of the trail system. Six acres of stormwater management areas, 28 acres of wetlands or wetland mitigation areas and eight acres of unbuildable green space.

Continuing, Planner Olson advised that there is a conservation resource line along the Kishwaukee with 70 feet or more of green space. In addition, all the trees were evaluated by Arborist Chuck Stewart and the site plan was revised to save the premier trees with the poor, unsuitable or undesirable trees being removed.

Attorney Burney inquired if Planner Olson felt a new tree survey should be completed even though the area has remained untouched since the last survey was completed. Planner Olson advised that there is no need for a new survey as the tree species don't change, just the maturity changes and the quality of the tree doesn't change.

Attorney Burney requested that Planner Olson address the concern the residents had concerning the increase of homes from 201 to the current number with duplexes. Planner Olson advised that it is important, with a development of this size, to have a variety of different homes and different product types for a variety of public needs.

Attorney Burney asked Planner Olson to address the distance between the buildings and the variance requested. Planner Olson advised that the current requirement in an R3 zone for single family units is 8 ft. side yard setbacks and for duplex lots the side yard setback is 7 ft., this development request is for a 6 ft. setback for single family and duplex lots.

Attorney Burney requested Engineer Brad Moore address the concerns with the neighboring wells being destroyed or affected. Engineer Moore advised that this development has no significant excavation or cuts along the property line that would potentially impact the neighboring wells.

An unknown member of the public blurted out a request for the developer to guarantee that the development would not affect his well.

Attorney Burney inquired if this proposal was a public water system and not a deep well dug into the aquifer. Engineer Moore advised that was correct and the water for this development will be coming from a water main located on Memorial Drive.

Attorney Burney addressed the question by the unknown gentleman and stated that the developer was not going to ensure compensation if the wells are destroyed, and they are designing the development in a manner that will not cause any issues to the private wells in the area.

Attorney Burney asked Engineer Moore for his opinion on if the development would adversely affect the aquifer to this property. Engineer Moore advised that to his knowledge, the aquifer would not be affected.

Attorney Burney asked Engineer Moore to review the stormwater management plan and inquired if the management proposed would address the concerns of water running across Lucas Road due to the development. Engineer Moore advised that the property is 135 acres split into two tributary areas, one directly to the Kishwaukee going north and an equal part going to the south then east. The southern part has interconnecting ponds for overflow routes and preservation of the wetlands with $\frac{3}{4}$ of a mile of drainage and ponds to meet the County and City Code. This system, as proposed, will significantly reduce the flow of runoff.

Attorney Burney inquired if Engineer Moore felt the stormwater management will be better or worse if this development proceeds. Engineer Moore advised that there would be additional runoff, but the proposed stormwater management plan can adequately handle the additional runoff as required by the Code.

Attorney Burney asked Engineer Moore to address the concerns regarding drain tile removal and damage. Engineer Moore advised that a drain tile survey was conducted and any tile waters that enter our site will direct the flow to the nearest outfall and enter the stormwater system. Tiles that are on our site will be abandoned.

Attorney Burney asked Engineer Moore to discuss the Memorial Drive connection and difference between the 2007 plan and the current plan. Engineer Moore advised that the current proposal includes smaller roads and a meandering roadway that was incorporated to save approximately 20 additional oak and hickory trees.

Attorney Burney inquired if the Army Corps of Engineers was involved in this project. Engineer Moore advised that there was a farmed wetland located on the west side of the site that would be used for stormwater management and the petitioner has submitted required permits to the US Army Corp of Engineers to replace this wetland with an enhanced wetland area to the east and south of the Kishwaukee River. It was noted that the Army Corps of Engineers has approved this request.

Engineer Moore advised that the slabs and crawlspace designs were economical and had nothing to do with soil condition concerns.

Attorney Burney advised that he does not have any answers concerning the school impact as it was never brought up as a concern, so no information was gathered.

Chairman Sheriff addressed concerns on runoff and advised that the stormwater ordinances require that stormwater management must be sufficient enough to control the water so it flows at the same rate or less when leaving the property as it did prior to development.

Testimony

Dave Brandt – 3609 W. Lake Shore Drive, Wonder Lake, IL – Retired Soil Scientist/District Conservationist USDA Natural Resources Conservation Service Woodstock Field Office

Chairman Sheriff swore in Mr. Brandt.

Mr. Brandt read a statement that is attached to the minutes as Exhibit A.

Chairman Sheriff called for a recess at 9:35 pm.

The meeting was reconvened at 9:43 pm.

Jessica Beverly – 110 S Johnson Street, Suite 106, Woodstock, IL 60098 – McHenry County Environmental Defenders

Chairman Sheriff swore in Ms. Beverly.

Ms. Beverly read a statement that is attached to the minutes as Exhibit B.

Jessica Rizza – 11101 Lucas Road, Woodstock, IL 60098

Chairman Sheriff swore in Ms. Rizza.

Ms. Rizza read a statement that is attached to the minutes as Exhibit C.

Megan Liebetrau – 11106 Lucas Road, Woodstock, IL 60098

Chairman Sheriff sworn in Ms. Liebetrau.

Ms. Liebetrau read a statement that is attached to the minutes as Exhibit D.

TJ Liebetrau for Nick Bucci, 10920 Lucas Road, Woodstock IL 60098

Chairman Sheriff swore in Mr. Liebetrau.

Mr. Liebetrau advised that Mr. Bucci was unable to attend, so he read the letter from Mr. Bucci, and it is attached to the minutes as Exhibit E.

Dan Funk – 11315 Lucas Road, Woodstock, IL 60098

Chairman Sheriff swore in Mr. Funk.

Mr. Funk read a statement that is attached to the minutes as Exhibit F.

Amber Bauman – 5116 Mt. Thabor Road, Woodstock, IL 60098

Chairman Sheriff swore in Ms. Bauman.

Ms. Bauman read a statement that is attached to the minutes as Exhibit G.

Gunnar Gitlin – 10710 Lucas Road, Woodstock, IL 60098

Chairman Sheriff swore in Mr. Gitlin.

Mr. Gitlin read a statement that is attached to the minutes as Exhibit H.

Lisa Haderlein – 904 N. Jefferson, Harvard, IL 60033 representing the Land Conservancy of McHenry County, 4622 Dean St., Woodstock, IL 60098

Chairman Sheriff Swore in Ms. Haderlein.

Ms. Haderlein read a statement that is attached to the minutes as Exhibit I.

Rob McCormack – 410 S. Rose Farm Road, Woodstock, IL 60098

Chairman Sheriff swore in Mr. McCormick.

Mr. McCormick read a statement that is attached to the minutes as Exhibit J.

Deliberation by the Plan Commission

Chairman Sheriff called for closing statements by the developer.

Attorney Burney summarized by stating that there has been a lot of emphasis offered or relied upon by the objectors on the NRI report. The NRI report is a broad general report and does not substitute for site specific studies. It's not a regulatory document, it's at best a guide to indicate that further studies may be necessary and Lennar has completed a series of site-specific studies. There are several complaints that the basements in this development are going to flood, but that is not a criterion that this Plan Commission should consider.

Continuing, Attorney Burney stated that there has been lengthy detailed testimony from Lennar experts of the steps that Lennar goes through to be sure that there is not going to be that kind of damage to the houses, that there is not going to be an impact on the aquifer, that there is not going to be pollution to the surface water, and those statements are based on scientific studies by recognized experts, licensed civil engineers in the State of Illinois and not based on speculative concerns that have been expressed and heard at this meeting. In addition, this is a preliminary plan, and all engineering issues will be reviewed during final engineering review. City Staff and consultants will review plans for code compliance, and plans are amended and modified until the plans are in conformance with all the City regulations on engineering and site development.

Attorney Burney stated that many of the concerns that the Commission has been hearing are premature; they should be addressed or considered at the final engineering stage, not at the preliminary stage and reminded the Commission that this land has already been approved for 200 single family homes, so concerns that this is going to change the character of the area is untrue, this land has been zoned for this purpose for at least 15 years. Lennar is requesting to modernize the plan to bring it into what the need and demands are in the market, and to tighten up the size of the lots so that they can save more open space. It was noted the plan designates more open space than what is required by the City's Ordinances. Further, the plan submitted includes unrefuted professional engineering testimony that demonstrates that this development is not going to pose a threat to the public health, safety, and welfare of the community.

Attorney Burney addressed the statement about the grading and the mass grading of the property and stated that Lennar's engineer has testified that there was going to be great care taken in the grading around the trees to protect them. There has been a statement about a recommendation that these trees be put in a conservation easement, which is the intent that is proposed in connection with this development and preservation easements are provided for in the plan to preserve trees. In summary, Lennar is a developer who has the financial wherewithal to make an investment of \$100 million or more into this development to promote managed growth and provide the community with what it needs. This development is consistent with the goals and objectives of the City of Woodstock so that it can move forward into the 21st century, and attract new subdivisions and new residents to this community. There was a concern that maybe this housing is too much for the Woodstock people in terms of the Woodstock market, the Lennar team has done a market study and believes that this community can support this kind of housing.

Chairman Sheriff asked for comments from the Commission.

Commissioner Flores stated that he has been listening to the concerns of the residents and the evidence of the developers and is leaning toward the support of said applications.

Commissioner Ryan noted that he is not in favor of the density of the development or the duplexes, but understands that growth often occurs around hospitals, and he does see some potential with the development.

Commissioner Paluch advised she was looking at this as three separate issues, one being an amendment to the Comprehensive Plan, the second being the rezoning criteria and the third regarding

the approval of the special use permit. Commissioner Paluch stated she still has concerns with the natural resources in the area and how they're being dealt with and whether the plan truly meets what's in the Comprehensive Plan in terms of its desire to preserve natural resources. If the Commission approves the amendment to the map to allow for what's being proposed concerning the rezoning criteria, there are two issues; there is already R1B zoning for a significant portion of the property and if you look simply at the amendment, which is to go from R1B to R3, it's not a significant difference in what's being proposed as far as the changes in the setbacks and the ultimate differences in that R1B zoning to the R3. Where D. Paluch expressed concerns was with the additional acreage that's not R1B zoned, that's currently zoned A1 and it is requested to change it to R3. Further, D. Paluch stated that the answers to the City's three zoning criteria for those two different issues are completely different, because if you're going from the R1B to R3, she felt they meet the criteria, but going from the A1 to the R3, they don't meet all the criteria.

Commissioner Gavers expressed concerns with the density and felt that the duplexes would be better suited in the downtown area. Further, he was not in favor of the setback reduction and also expressed concerns with the traffic at the Doty/Lucas Road intersection.

Commissioner Speciale stated she didn't feel she had enough information and confidence in believing that all the conditions and criteria have been met for this development. She stated the areas she was not comfortable with were the proximity to the Kishwaukee River, the sensitive aquifer recharge area, the resource conservation area and unmet concerns by residents relating to traffic.

Chairman Sheriff stated that he was in favor of the petition, but had some concerns with not having a current tree preservation plan. Director Napolitano advised that there is a tree inventory, but not an updated one.

Director of Operations Betz stated that Lennar is submitting this proposal right at the tail end of staff presenting a new and updated Comprehensive Plan. Director Betz stated that a new plan is expected to be ready for the Commission's review during the first quarter of next year.

Continuing, Director Betz advised that the City's Comprehensive Plan is about five years out of date and is currently being updated. The new plan is expected to be ready for review and approval the first quarter of next year. Director Betz advised that it is important to note that the changes to the Comprehensive Plan has moved away from the conservation area in the conservation corridor to talking about sensitive areas, and looking at that, it's more of an overlay, it broadens it out to an overlay instead of a specific designation within the land use plan map. It was noted that the sensitive areas are less than what is currently identified in the current Comprehensive Plan.

Chairman Sheriff inquired if the tree preservation plan had been included in the packet. None of the Commissioners responded to having seen an actual tree preservation plan. Chairman Sheriff advised he didn't feel comfortable voting without seeing a plan of some sort on size, condition or which trees were proposed for removal and which trees were proposed for preserving.

Chairman Sheriff suggested adding a condition of approval that a tree preservation plan be presented, and an approval be made pending that review.

Chairman Sheriff inquired on how long it would take to get an updated tree preservation plan. Attorney Burney stated a new tree survey would not change the plan as the developer has already submitted and completed studies, and staff has concurred with and prepared a plan that preserves a significant number of quality trees.

Mr. Murphy inquired if reviewing the current tree inventory that is on hand would be sufficient to satisfy the concerns of the Commission. Chairman Sheriff advised he has not seen any plan or inventory, and the landscape plan is not specific on what is being removed or replaced or the caliber of any of the trees. It was noted that the old plan can be used if the developer is able to show what trees are being removed, their size and condition etc. Attorney Burney advised that the current landscape plan incorporates the tree preservation plan.

Director Napolitano advised that the developer has provided an exhibit that shows the existing trees to be saved and those to be removed and displayed the exhibit for the Plan Commission to review. He noted the areas where attempts have been made to preserve mature and desirable Oak and Hickory trees and described how the plans were changed to accommodate that preservation. He apologized for inadvertently leaving this out of the Commissions' documents.

Chairman Sheriff stated to move this forward, he recommends adding a new condition that should read, "the 2004 tree inventory report shall be provided for the Commission's review at final plan review, the petitioner shall provide a final plan that delineates what trees are to be preserved and what are to be replaced."

Chairman Sheriff advised that he did not feel we need to amend the Comprehensive Plan considering there's already a mentioning of residential development. It's not meant to be an exact document. Commissioner Paluch stated that since the resource conservation corridor is intended as a buffer and there is proposed development within that corridor, and development with this land use designation is generally not encouraged unless conservation design techniques are applied to protect the joint resource conservation land, an amendment should be made.

Chairman Sheriff entertained a motion to recommend that a Zoning Map Amendment from R1B Single-Family Residential District to R3 Single-Family Attached Residential District on the Subject Property be approved. The request meets the approval criteria listed in Section 4.3.7 of the Unified Development Ordinance, in accordance with the findings included in the Staff Report.

Motion made by Flores and seconded by Paluch. Roll call vote: Ayes: Flores and Chairman Sheriff. Nays: Gavers, Paluch, Ryan, and Speciale. Absent: Bellairs. Motion failed.

Chairman Sheriff entertained a motion to recommend that a Special Use Permit to allow a Preliminary Plat and Planned Unit Development to allow 320 single-family detached and duplex homesites on 282 lots, in accordance with the plans and documents submitted with the petition and subject to the following conditions:

1. Single-family detached lots and duplex lots shall have a minimum side yard setback of six (6) feet.

2. Duplex lots shall have a minimum lot area of no less than 8,375 sf.
3. Best practices shall be incorporated during construction to minimize the impacts of grading and construction on trees proposed to be saved.
4. Review and approval of preliminary engineering plans by the City Engineer.
5. The 2004 tree inventory report shall be provided for the Commission's review at final plan review, the petitioner shall provide a final plan that delineates what trees are to be preserved and what are to be replaced.

With these conditions, the request substantially meets the approval criteria and design standards listed in Section 4.4.7, Section 5.8.2, and Chapter 8A of the Unified Development Ordinance, in accordance with the findings included in the Staff Report.

Motion made by Flores and seconded by Gavers. Discussion – None. Roll call vote: Ayes: Flores and Chairman Sheriff. Nays: Gavers, Paluch, Ryan, and Speciale. Absent: Bellairs. Motion failed.

Chairman Sheriff entertained a motion to approve an amendment to the Official Comprehensive Plan land use map to designate the subject property as neighborhood development instead of resource conservation and resource conservation corridor.

Motion made by Flores and seconded by Gavers. Discussion – None. Roll call vote: Ayes: Flores and Chairman Sheriff. Nays: Gavers, Paluch, Ryan, and Speciale. Absent: Bellairs. Motion failed.

3. NEW BUSINESS CONTINUED

b. Adoption of 2024 Plan Commission Meeting Schedule

Director Napolitano reviewed the proposed schedule, noting there is no meeting scheduled for November and the December meeting is scheduled for the 2nd Thursday of the month.

Chairman Sheriff entertained a motion to approve the 2024 meeting schedule as proposed.

Motion made by Paluch and seconded by Speciale. Discussion – None. Roll call vote: Ayes: Flores, Gavers, Paluch, Ryan, Speciale, and Chairman Sheriff. Nays: None. Absent: Bellairs. Motion carried.

4. DISCUSSION

Director Napolitano advised that staff are reviewing the land use map as presented by the consultants to be sure that they are comfortable with some of the future land use recommendations. Staff expects to have the draft finalized and a public forum in February, with presentation to the Plan Commission in February and then the plan would go before the City Council in March for final adoption.

Commissioner Paluch requested items on the agenda be provided to the Commission in a paper format or suggested petitioning the City to provide tablets for note taking. It was noted personal tablets and computers, if used for City business, would open those devices to FOIAs and there is

personal and business information on them that should not be exposed to FOIAs. Director Napolitano advised that this is something that is being discussed for next year's budget.

5. ADJOURN:

Motion by Paluch, seconded by Speciale to adjourn the December 14, 2023 Plan Commission meeting at 11:40 pm. All signified ayes. Nays: none. Absent: Bellairs. Motion carried.

The meeting was adjourned at 11:40 PM.

Respectfully submitted,

Melissa McCain
Commission Clerk

EXHIBIT A

Dave Brandt – 3609 W. Lake Shore Drive, Wonder Lake, IL 60097 – Retired Soil Scientist/District Conservationist, USDA Natural Resources Conservation Service, Woodstock Field Office

Good evening. My name is Dave Brandt. I believe it would be helpful to first give you my background and how I got involved with the Riverwoods proposed development from the perspective of the soil and water.

I am a Retired Soil Scientist/District Conservationist with the USDA Natural Resources Conservation Service. I worked out of the Woodstock Field Office for 26 years. My educational background is that I have a B.S. in Outdoor Recreation and Natural Resource Management from SIU. Then, I attended graduate school at SIU majoring in soil fertility within the soils department. There, I took every soil class that was offered.

As a teacher's assistant I taught the Laboratory for Introduction to Soils: 101. After graduate school, I was offered a position with the USDA Soil Conservation Service. They later changed their name to the USDA Natural Resources Conservation Service. I worked in Southern Illinois for 4 years, and more recently I worked out of the Woodstock Field Office with the McHenry-Lake Soil & Water Conservation District for 26 years. I retired in 2010. Then, I applied and was selected to be a Trustee for the McHenry County Conservation District, where I served for two-consecutive five-year terms.

Next, I want to explain how I became involved in considering the Riverwoods proposed development from the perspective of the soil & water. I live in Wonder Lake, so I am not directly affected by the proposed development. A little over a month ago, I was asked by a dear friend to help them evaluate the proposed subdivision on Lucas Road. Because of my professional background and expertise, I first did my independent analysis of the soil data. There is a reliable internet site that one can use to find the details about soils on any specific site. I used that soil data and the soil survey to come up with my conclusions. Then I discovered that the McHenry-Lake Soil and Water Conservation District (SWCD) completed a "Natural Resources Inventory" (NRI). That is a very thorough report and a report that my own investigations confirmed. Based upon my professional experience and expertise I was shocked at what I found. I will highlight some of the most troubling parts of the NRI report for the specific development that's been proposed.

- *Aquafer Sensitivity* (pg. 8): This is the geology that starts below the soil, around 5 feet. The NRI Report assesses 5.5 acres with a high potential for shallow aquafer (+/- 200 feet) contamination. But more concerning is the fact that there is 126.5 acres with a moderately-high potential for shallow-aquifer contamination. First, it's important to understand the difference between houses with basements and those with slabs or shallow crawl spaces. If exaction is less than 5 feet the soil's protective barrier remains. But if basements are built there is no protective barrier from the soil. The Developer has proposed 246 single-family homes with partial basements. That means 246 new permanent direct pathways to pollute all of our groundwater. Recall, 100% of McHenry County's water comes from groundwater.

Urban folks love their lawns, so think of all the Chlorinated hydrocarbons from pesticides (herbicides, insecticides, fungicides) running unstoppable into our groundwater. Gasoline and antifreeze will find a way also. As urged by the NRI Report. Please, no basements! Please, slabs or shallow crawl spaces only.

- *Sensitive Aquifer Recharge Areas (SARA)*, 41.8 ac, (pg. 9, 10): This data includes the soil profile down to bedrock. These are the areas that recharge our groundwater throughout the County. The proposed development on much of the 42 acres of sensitive aquifer recharge area presents the same issues. Except the pollution potential in the Sensitive Aquifer Recharge Areas starts at the soil surface. The developer proposes placing duplexes over much of what is a Sensitive Aquifer Recharge Area. Another large portion would be detention. It's important to understand why retention on sensitive recharge areas is beyond problematic. Detention holds storm water runoff and this eliminates the potential downward movement of water into our recharge areas. The result compounds the problem of building within an area designated as Sensitive Aquifer Recharge.
- *Highly Permeable soils*, pages 15-16 of the NRI Report, focus on the problems with this site in terms of permeable soil. First, it's important to understand that there are 8 categories for describing permeability as identified by the NRI. The two categories that are at the highest end of permeability are "Very Rapid" and "Rapid" permeability. Soils that fall into this grouping consist of 53% of the site (pg. 15-16). So why is this important? This soil profile allows contaminants-and there inevitably will be plenty of them-to move directly into the groundwater. This is the point of why the NRI discusses highly permeable soils. When you consider the compounding effects of the half the site consisting of highly permeable soils together with the other problems just mentioned, I became alarmed when considering this development and the certain impact on our groundwater. I would suggest that the permanent potential for groundwater contamination on this site should be scaring you, now, as well.
- *Basement Limitations*, 88.4% of the site, (pg. 17-18): This includes very poorly drained soils that developed in standing water like a marsh, poorly drained soils that developed in saturated soil conditions like a sedge meadow, and somewhat poorly drained soils where the high-water table is only 2-4 feet from the soil surface. Here, once again, it's important to understand and highlight the difference between building homes with basements versus building on slabs. Given the seasonally high-water table that was properly identified in the NRI, if we build on slabs the building limitation identified in the NRI would largely go away. On the other hand, if basements are built on the 246 single-family homes that are proposed, the NRI Report poses an accurate warning. The Report warns that if basements are built on the property with severe limitations, that, "cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems." In my professional opinion, this is entirely accurate. The Staff Report acknowledges that the NRI identifies a "significant portion" of the soil on the site to have severe building restrictions relating to the use of basements and slabs. I would emphasize the dangers that basements and oversized crawl spaces would pose rather than slabs. The Staff Report further suggests that the Developer believes that the soil "will be suitable to accommodate proposed structures." That would mean the 246 single-family homes that are proposed to have basements will be "suitable." My professional opinion is that the NRI Report does not lie. The soil does not lie. Building basements on this soil is an invitation for exactly the sort of problems that the NRI accurately predicts. There is simply no way to work around this if basements are built on this soil.

The Staff Report also notes that there are several existing homes in the area that have been built on this soil. The Report acknowledges that these homes are outside the City Limits of Woodstock. But the implication from the Staff Report is not accurate.

Based upon my 26 years of experience in Woodstock, basements that are built on this type of soil will inevitably create a host of problems for buyers. I have professional experience with what occurs when the City ignores similar warnings presented by the NRI including warnings of building basements in hydric soils. I can recall a specific NRI that clearly outlined potential problems with a development that was allowed by the City. People would come into our office suffering, frustrated, and at whits end. I had empathy for them! Well, how would you feel about buying a new home only to be plagued by flooded basements? Please no basements! Slabs or crawl spaces only! The soil dictates this would be the only responsible decision.

I must mention the remnant oak community. This consists of 35.6 acres (pg. 7): Years ago, I walked those woods with a potential developer. Those oaks were huge and as we know now, they were here when the pioneers first came to McHenry County. I'm asking you to save all of them! But, I'm just a soil & water guy.

Lastly, I found in my own soil review something interesting, and frightening, that was not within the NRI Report. But it presents a huge red flag for our aquatic resources: that is the Kishwaukee River. I call on you to understand that 94 acres of the site has soil with a parent material of glacial till. That is the soil material the glaciers left for soil to develop in. Glacial Till means slow infiltration and slow permeability. Slow infiltration means rainwater getting into the soil. Slow permeability means water moving through the soil profile. The Developer proposes to "mass grade" the site. This means every time it rains, millions and millions of raindrops, or bombs, are going to hit that new soil surface and create an amazing amount of sediment. The Illinois Urban Manual is a compendium of soil erosion and sediment control practices. It's intended for use as a technical reference including developers, planners, government officials and others involved when considering the impacts of soil erosion and sediment control. If you engage in only a cursory review of this Manual, you will note that the potential for erosion and resulting erosion sediment varies widely from low-density residential to medium density residential and at the highest end is Areas under Development. The point is that Areas under Development would present at least 10 times the dangers compared to low-density residential. With glacial till, the number would be far higher. My educated projection would be at least 20 or 30 times. Based upon my 26 years in subdivision erosion control, I've found that developer erosion and sediment control (SESC) implementation is always promised but tends to be a tad above pathetic. My fear is contemplating all that sediment going straight to the high-quality headwaters of the Kishwaukee River. The Kish is high quality because of no or little sediment. The developer is going to tell you that they've "got this." They will tell you that they will do appropriate erosion and sediment control. But in experience, I have rarely seen this. Sadly, most Municipality review of construction is very poor on Soil Erosion and Sediment Control.

In conclusion, I cannot think of a more horrible land use for this beyond-problematic site. Please don't allow it.

EXHIBIT B

Jessica Beverly – 110 S Johnson Street, Suite 106, Woodstock, IL 60098 –
McHenry County Environmental Defenders

My name is Jessica Beverly, and I am here tonight on behalf of the Environmental Defenders of McHenry County. We are a 53-year-old environmental nonprofit located in Woodstock Square and we have many volunteers who have dedicated their lives to conservation, preservation, and advocating for smart environmental development in McHenry County. I am here because our membership and volunteers do not feel that this is a smart or wise development for the City of Woodstock to pursue at this time and as planned.

In the interest of time, I will offer a brief list of concerns that we have with this development and our experts and consultants can be available for additional discussion on these points should this project proceed to the next step.

First of all, the developer is looking for an exemption of an updated tree survey and wishes to rely on data from 2004. Tree study standards have changed since then, and trees play a very important role in storm water management and aquifer recharging. We ask that a new tree study be completed prior to accepting this proposal.

Second, our water experts have reviewed the surveyed area against data and maps available at the County level, and the existing wells for residents in the area are very shallow. This means that they recharge locally. If the area is paved, as proposed, it will limit or eliminate water recharging and lead to inadequate well water for residents. Furthermore, County maps show that based on the soil composition in the area (as stated by the speaker before me) if the first couple of layers are compacted and paved in the area, it will reduce or eliminate the ability for the wells to recharge while also leading to flooding. The proposed storm sewers will take the water offsite, rather than allow it to recharge locally, as is needed for the development to have adequate clean water. We recommend that the conservation design principles be followed to reduce the footprint of the compaction and to preserve the recharge capacity of the area for nearby residents who are not tied into city water and for the benefit of the aquifer.

Third, as it relates to building housing on a wetland site itself, the original wetlands and natural flooding/receding cycles are essential to maintaining the ecosystem, storm water management, and aquifer systems in the area. The proposed off-site storm water management system is not a preferred means to deal with the flooding issues by any ecological experts including the letter you received from Ed Weskerna, and the damage to homes built on hydric soils has been well documented by building trade experts.

Lastly, the Environmental Defenders are very concerned with the precedent such a development would set for Woodstock and other municipalities in the County. Waiver of the carefully planned conservation design standards is a dangerous precedent that puts all of our groundwater at risk and sets the residents up for serious access issues to clean water as the County expands access to housing.

We have conservation design principles and practices in place for a reason beyond the wellbeing of our ecosystem and the environment, they are meant to ensure that we have access to clean groundwater well into the future and that we are not in the same positions as other Counties such as Will County when we deplete our aquifers and their ability to recharge effectively. Leaders like Woodstock need to be mindful of the future of our County's access to clean water.

Thank you for your time.

DRAFT

EXHIBIT C

Jessica Rizza – 11101 Lucas Road, Woodstock, IL 60098

Hi – My name is Jessica Rizza, and I am a resident on Lucas Rd along with my husband, John, and our three young children. I am the third generation in my family to raise my children in unincorporated Woodstock. My mom grew up on McConnell Rd in the home that is now the Hooved Animal Humane Society. My husband was raised in unincorporated Woodstock on Murray Rd. As you can see, the lifestyle of living unincorporated is highly valued in my family. It is something my husband and I want for our children as do many of the residents who live in this area.

I stand in front of you tonight as someone who truly loves and appreciates living in Woodstock and McHenry County. I work full-time at a nonprofit, I serve on a nonprofit board which advocates for abused children in our county, I volunteer in this community, send my children to the Woodstock public schools, and I firmly believe that Woodstock is a wonderful place to raise my children. I also believe that all of you love this City, or you would not dedicate your time serving on this Commission.

As a resident on Lucas Rd. I do not believe the Riverwoods proposal is beneficial for Woodstock. I want to make it clear that I am not opposing any development in Woodstock, I am specifically opposing this development. I have met with 40 of my neighbors, some are in this room tonight, and I share this on behalf of all of us. So, as I speak, please know, I am speaking for many individuals who live on Lucas, Doty, Mt. Thabor, and Briarwood roads. We feel lucky that Woodstock has pockets of unincorporated areas; that is precisely why we live here, adding the Riverwoods subdivision to this area of Woodstock infringes on many of our unincorporated freedoms. What's worse is that this creates significant concerns for road safety that have been completely ignored in this proposal.

I am shocked that Lennar did not include the Lucas and 47 intersections in their traffic study as this is the most concerning and dangerous intersection in the area. I would like to know why this intersection was excluded from the study. I submitted findings from the 2012 study on Route 47, which is included in the packet, and I hope you have reviewed or will take the time to review the key points. In these findings, you will see many areas of safety concern and from my personal experience, I have witnessed accidents at the Route 47 and Lucas Road intersection, and I've experienced near miss accidents myself with my three young children in the car. There are no turn lanes, and drivers become impatient due to the traffic volume, which is only increasing. In addition, farm equipment and cyclist groups are prevalent on Lucas Rd. There is an S curve, many areas with poor line of sight, and drifting snow in the winter. In addition, the Mt. Thabor and Doty Rd. intersection and Lucas Road are problematic due to poor lines of sight. I constantly brake because drivers cannot see Lucas Road well from Mt. Thabor and pull out in front of me. In April this year, two men were seriously injured in a single-vehicle crash on Lucas Road. In July this year, a two-car crash on Lucas and 47 left cars in the ditch and one person seriously injured.

There have been many crashes including vehicles, bicyclists, and motorcycles on and around Lucas Rd. This is all fact. The 2012 traffic study speaks for itself with its findings. This cannot be ignored as the Riverwoods development would add significant volume to the road. As a mother with three young children, I am terrified of the increase in traffic this development will cause. I drive these roads multiple times a day, taking my kids to school, dance practice, cub scouts, and driving to work.

I know these roads intimately and know adding a higher volume should not be acceptable and is not in the best interest for current and future residents. I encourage you to spend some time driving in this area during peak times to experience for yourself.

How will Lucas and 47 intersections be addressed if this development is approved? In addition to road safety, I have serious concerns about:

- The negative environmental impact as this is being built in a watershed and sensitive aquifer recharge area. 100% of our water comes from groundwater – why are we building on a recharge area. Why are variances for a conservation design even being considered? Won't this set precedent for future developments? Also, why would Lennar be allowed to use a dated tree survey? Tree Survey standards have changed since 2007, a new tree survey should be completed.
- School bussing as my son who attends Verda Dierzen, which is on the opposite side of town, rides the bus for 45 minutes and after speaking with the assistant superintendent of D200, Brian McAdow, he reported moderate shortages with bus drivers and support staff leading to frequent bus rides that are even longer. This shortage pushes my 5-year-old son to be bussed for well over an hour to get to kindergarten.
- The overall integrity and desirability of these homes being built by Lennar on land with severe building limitations at the highest density possible. In Lennar's report they state, "There are several existing homes in the area that have been built on these soils, but they are not in the City limits, so staff is not aware if any of these homes have had any problems due to the soil limitations." My home has water issues in our basement –thousands of dollars have been invested into working with a national company to waterproof my basement and add a backup sump pump. The threat of water in this area is real.

I have spoken to many people regarding this project and most of them told me it is too late – the City will pass this no matter what you say because they are so eager for growth. So, what am I to do? All I can do today is speak on behalf of myself and the 40 neighbors I had an opportunity to talk to and ask you to stop this development. I urge you to stand up and say no to one of the nation's largest developers who made billions in revenue last year, and not make concessions to them. Lennar is in this room and in Woodstock to make a profit.

I am in this room and in Woodstock to raise my children, to build a life I am proud of, to support my family, my neighbors, and others in this community through my voice, my work and my volunteerism. To make Woodstock a place that my children want to stay and someday maybe raise my grandchildren - in unincorporated areas not disrupted by developments.

I hope this development is not approved, however if this goes forward without regard to any of the issues presented tonight, I ask the commission to rethink how the City is developing. I ask that we are mindful of the process and its impacts and not prioritize profits over people and community. For Riverwoods, the challenge would be to develop smarter, allowing for usable green space, not

just retention areas. The challenge would be to propose larger lot sizes, to avoid homes sitting 12 feet apart. The challenge would be to eliminate the 76 duplexes alongside Lucas road. It is shocking to think of 76 duplexes on 16 acres of land. If this land is developed, how can we preserve the remnant oaks, more of the natural land, and respect the watershed? Please think of these homes in 10 or 20 years from now when the homeowners experience water issues. At that time, you will most likely not be sitting on this commission, but you decide whether to allow this development to be built.

I know that we can do better. I know that Woodstock can do better.

Thank you.

EXHIBIT D

Megan Liebetrau – 11106 Lucas Road, Woodstock, IL 60098

My name is Megan Liebetrau and I live on 6 1/2 acres at 11106 Lucas Rd. with my husband and four children. The proposed development would border the northern part of our property and one lot over to the east of us. Right now I can go outside my home, it's dark, it's private, it's quiet with little road noise, but that would no longer be the case. If this development is passed, we would have 320 new neighbors, if you can imagine that we wouldn't be able to do our Thanksgiving morning shootout, send our kids outback to explore, my husband would no longer be able to hunt our property which are all the reasons we moved out to the country, our way of life would drastically change, but that's not even my main concern.

I have four children. Two of my children are of driving age; both have gotten into car accidents at Lucas Rd. and Route 47. The road traffic is already concerning, whether trying to cross 47 or navigate the narrow roadways with cyclists and farm equipment. I can't imagine adding more than 700 vehicles to our roadways. This is not Randall Road, nor are these back roads equipped to handle the traffic that this development would bring, not to mention the construction traffic for the next five years or so. I dread trying to cross Lucas Rd. between 4:00 to 6:00 on a weekday as it is, I can't conceive how it would be if this development passes, and the fact that Lennar did not even include Route 47 and Lucas Rd. in the packet is most concerning to me. Why is it that they didn't include it when it would be a critical intersection that most residents would use to get to school, to get to town, school buses would use it every day as they said Doty Road would be a secondary entrance. I'm not opposed to development or growth; I am opposed to growth for the sake of growth.

Please remember, not all growth is good growth, nor should we, the City of Woodstock, jeopardize our integrity and allow a variance of a conservation design because this is the only developer knocking on our door right now. I'm opposed to this development because of the environmental impact to our national resources, the soil conditions, the risk of killing the Kishwaukee, and the damage or devastation to the remnant oaks. I walk our property every day, I see the marshy wetlands around us, when we purchased our home, the first thing we had to do was demo the finished basement because it had flooded twice in the past two years. We have since done what we can to keep the water out of our basement, but it has still flooded several times and the sump pump constantly runs. I'm not sure how homes 12 feet apart would be successful in keeping the water from affecting their foundations and keeping their basement dry.

Another major concern is the strong chance at this development will negatively impact surrounding wells and the aquifers will not be able to recharge and most of them will have to be redrilled at the current owner's expense. We just spent \$10,000 2 years ago to drill our well and we would have to do more than that to go deeper because the aquifers are not recharging.

The development did not present a current tree survey, it's my understanding that the standards have changed since the last tree survey, so why aren't we asking for a new one? As a newer real estate agent for Berkshire Hathaway in Woodstock, I recognize there is a housing shortage; however, I do not feel that this development will help to solve that problem at this price point. The average sold price of a home in Woodstock over the past year was about \$340,000. This development will be at the \$350 to \$400,000 price point. If the developer is trying to convince us that this will provide affordable housing for the working class, I'm not buying it. Not to mention the smaller lot sizes 12 feet away from your neighbors.

Also, they say 2.37 units per acre. I envisioned this morning while walking my property that would be 15 1/2 homes on our property with most of the open space being a retention area. I have clients and friends that have purchased in subdivisions with similar lot sizes as they propose, as well as narrower streets as they propose. They don't realize the scale and the fact that they are right on top of the other neighbors until they have settled in, and they often regret moving onto such a small lot. And why the small lot sizes, so, a billion-dollar company can make a few more bucks. This would come at a cost to me and my neighbors. We live in a country setting, a huge neighborhood with duplexes right on the road on top of it, it doesn't matter if they're new or not, this changes the setting; they would nullify our country setting and decrease our property values, affecting most residents on Mount Tabor, Lucas, and Doty Roads. I think we, as Woodstock, can do better.

I grew up going to concerts on the square, Memorial Day parades and farmers markets, I graduated from Woodstock High School as well my children, I got married at the pavilion in the square, I love going to the Opera House, and I have rental properties here. We purchase and restore homes in Woodstock, I am invested in Woodstock, I understand the spirit of Woodstock and I know it when I see it. This development is not Woodstock. I apologize for the length of my letter in your packet. I didn't want to bring it up here tonight. I hope you got a chance to read it. It refers to the 2008 Comprehensive Plan to the character of Woodstock. I felt it necessary to use your words and your concepts to remind you why this development violates your plan. The members of this Commission are the gatekeepers of Woodstock; you have given up many of your evenings to be on this Commission. You do it not because of the extravagant pay, but because of your love of Woodstock. I thank you for your service and my opportunity to be heard.

But now I call on you to do your duty to be the protectors of the spirit and the character of this community, protect the citizens of Woodstock, and deny this request.

EXHIBIT E

T.J. Liebetrau for Nick Bucci, 10920 Lucas Road, Woodstock IL 60098

Hello, my name is Nick Bucci, I live at 10920 Lucas Rd, the property that will be most affected by the proposed new subdivision. Some of this may be redundant, if so, you need to hear it again, so it sinks in. I wrote this letter because I can't remain silent while the City of Woodstock is on the brink of making a horrible, tragic, and completely avoidable mistake. And I am not speaking solely on my behalf for my personal interests; I am also speaking in the interests of any unsuspecting Woodstock resident who may in the future purchase a home in this extremely flawed and recklessly planned subdivision. First, I will share how this subdivision will impact my family. Immediately, my property value is going to go down. Our entire east property line is slated to have high density duplexes built backing up to our land. How high of density? So high density that City code doesn't allow it, so Lennar is requesting variances. Our quiet rural setting is going to be obliterated.

Second, how will this subdivision impact the environment? According to the McHenry County soil and water conservation district, the water in my well will be in jeopardy of contamination and possibly drying up due to the construction on sensitive aquifer recharging land slated for new homes. Lucas Rd, which is already very dangerous, will have more than a thousand extra cars passing daily. Here's the math on that, 320 units, a minimum of two cars each, to and from work or school, that's 1280 trips, to and from. The traffic, noise and air pollution will destroy the natural countryside our family has called home for over 20 years. Centuries old oaks will be lost. An Illinois native endangered turtle, Blanding's Turtle, which inhabits the land since the land is almost entirely marsh and wetlands, this turtle will be further pressured towards extinction. This is how this subdivision negatively impacts our family, and the environment we live in.

A third consideration is the people buying these homes. What are they getting? I was a concrete contractor for 16 years. My father was a concrete contractor, and his father was a concrete contractor. Three generations of concrete construction knowledge. I am now a developer of single-family homes in Florida. I am a qualified expert regarding what happens to houses built on bad soil. Simply put, homes built on bad soil fail. And according to government provided soil reports, none of the land designated for this proposed subdivision is suitable for construction of houses with slabs, and the soils are even worse for houses with basements. The basements will be essentially underwater most of the time due to the high-water table. The unstable soil combined with the hydro-static pressure on the foundations will cause them to fail. Not immediately, but they are certain to fail over time in various ways. Cracking, sinking, leaking. Burning through two or three sump pumps a year trying to keep the water out. Constant flooding and moisture problems. And Lennar will be far down the road with their profits, and the homeowners will be left with a disaster. It's not a question of if these homes will fail, it's when. You know what other infamous development in Woodstock was built on bad soil, you may have heard of it, Woodstock North High School, it's sinking. Literally, it's public record, it's sinking and going to fail at some point. Which brings me to my final point, what's the job of the planning commission? The job of the planning commission is to carefully and thoughtfully plan the future growth of the City of Woodstock, utilizing available data to make decisions that protect the current and future citizens of Woodstock.

No available data supports the development of this subdivision on environmentally sensitive, un-buildable, federally protected wetlands and marsh lands, and with the free money that Lennar is

asking for from the City in the form of waived impact fees this plan makes even less sense. Given all this critical information how could the planning commission possibly approve this project?

In closing, to be clear, I am definitely concerned that my backyard is going to change, but not for the reason that you think. I know that if these homes are built on this land, we will have 320 Woodstock Norths. Sinking homes with failing foundations. 320 of them. And Lennar will be far down the road, profits in hand. And we won't be looking at houses in my backyard. We will be looking at a Lennar ghost town. Are we going to turn a blind eye and approve a new subdivision that is doomed from the start? If you put your names on this approval, you will be to blame for 320 new Woodstock residents' misery, as their short-lived joy of new home ownership turns to horror as it becomes clear these homes should never have been built on unstable marshland. Governments can absorb losses incurred by bad planning, individual people cannot. This subdivision will ruin people's lives, wiping them out financially. Don't let 320 hardworking Woodstock residents fall victim to Lennar in the name of corporate profits.

EXHIBIT F

Dan Funk – 111315 Lucas Road, Woodstock, IL 60098

My name is Dan Funk and I live at 11315 Lucas Rd, about a quarter mile directly West and South of the proposed subdivision. I've got a large horse farm there and a little bit of a different perspective for you. Mine is more focused on farming operations which happen up and down Lucas Rd.

Our concerns are shared among all the residents of the road, primarily the dangers on the road as they currently exist. There is no street lighting on the road, there's no plan for street lighting on the road and the residents of the road don't want street lighting. If any of you have ever driven that road, it is hilly which causes numerous blind spots which is concerning when I have farm equipment entering the road from those blind locations. The biggest concern we have is safety, not only for ourselves and our equipment but for the drivers on the road. As we're moving farm equipment up and down that road, we're concerned for the all the other drivers. Our largest concern is during two times of the year and that's when we're doing preparation of fields for planting which runs anywhere from March all the way to May and then harvesting which runs September through November. Those operations are conducted 24 hours a day. We have very large equipment moving up and down the road at very slow rates. The addition of all the cars that are going to be added going up and down the road that are likely not used to rural conditions needs to be considered. Our other concern is maintenance of the road; adding all these cars the city of Woodstock is not going to be contributing to any of the road maintenance on Lucas Rd. which means we're going to bear the added expense of keeping the road usable. That's the end of my statement, thank you very much.

EXHIBIT G

Amber Bauman – 5116 Mt. Thabor Road, Woodstock, IL 60098

Good evening, thank you for listening to all my fellow neighbors. My name is Amber Bauman. I live on Mt Thabor Road in unincorporated McHenry County. My husband and I chose Woodstock 22 years ago to raise a family. First, we started in the city and then we both moved back to our roots, which was on a farm. We've raised three kids with the youngest a senior at Woodstock High School. Neither my husband nor I work in Woodstock yet chose to raise a family here for the quality of life that we believe the area has to offer our family. Our kids have lived a simple life, yet we were afforded the Internet for the first time in the fall of 2022. Yes, we did remote teaching and learning off our phones as hotspots. We watched the sun come up over our small farm and the sun go down, we celebrate shooting stars, rainbows at the end of the property, a bald eagle's nest, owls hooting at night, and several Redtail hawks. We have discovered creatures like mud lobsters and crawfish in the spring, moved painted turtles off the road and learned how fast a snapping turtle really can move, and if you don't know, don't attempt it. When people felt like the world stopped during COVID, we took to floating in \$5 tubes down the flooded headwaters of the Kishwaukee River. You tell me that you will not flood my property is just false. This kind of lifestyle though, is not for everyone, and we understand that. We don't know our human neighbors, but we know the deer, the coyotes, the foxes, the raccoons, and other animals that frequent our farm. We have raised our kids to know that we are the stewards of the land and the planet. Recycling is important.

Conservation is key, and picking up trash along the roadway is a monthly project for our family. I understand that the world is controlled by the almighty dollar, and I'll be honest, it was a rude awakening when I saw the original public hearing signs go up on Lucas and Doty Roads. Change is hard, anyone that says they adapt to change easily is lying, change is hard for everyone. My mom used a phrase when I was a kid, money doesn't talk, it swears. I know you see the potential revenue for the city. Growth brings change and money, but I think there's a different way to go about this. Putting a 300 plus home subdivision in the middle of a rural area that is basically a floodplain is not the answer. Let's be honest, Lennar is a multibillion-dollar business that is dangling the carrot out there for you to consider. But at what cost? I understand the subdivision will go in off Lucas Rd. but destroying 100-year-old oak trees, building on the Kishwaukee headwaters that have already been damaged by Woodstock in the past, destroying an area that supports 59 species of fish, 26 species of mussels and 14 species of large crustaceans is heartbreaking. At least 28 of the plants and 30 of the animals are listed as threatened or endangered in Illinois. Woodstock, I think we can do better. I have read through the packets, I've done research on the Kishwaukee River and the headwaters, we have listened to speakers and presenters showcase the positives and the negatives of the proposed subdivision, and I'm telling you, it's wrong. You have heard or you will continue to hear all the statistics and numbers and professional speak, you're going to hear all of the sparkle and the jazz that all the attorneys for Lennar have to offer you, we are your Woodstock, we are your grass roots, we have come together, we have spent our own time, our own money, our own research, we have sought out individuals to help us with this situation here because this is wrong. So human to human, I'm telling you, we can do better. Why does this have to be such a large development on such poor soil? Why can't we do like other communities like Crystal Lake for instance off of Briarwood and have larger size lots instead of smaller size lots? How can you consider green space, a retention pond

that holds run off water that contaminates my well or a walking path that's green space? Why are we cutting ourselves, our children, or our grandchildren short here? You just have to jump on Facebook and see the complaints about this company, it's not rocket science. My question to you is it all about the money? Thank you.

DRAFT

EXHIBIT H

Gunnar Gitlin – 10710 Lucas Road, Woodstock, IL 60098

My name is Gunnar Gitlin. I was born and raised on Lucas Rd. where I live with my wife, Leslie Kevastat. I went to Olson Elementary, Woodstock High School, I remember going door to door when my father, Joe Gitlin, ran for mayor back in 1976. My Dad served as Mayor at a time when there were extensive renovations and there was a story that they were going to tear down the Opera House and I promise it was never true, but they had extensive renovations back then I've lived here all my life, and I came back to Woodstock after going to law school. I was involved with Woodstock celebrates; it was a group that we helped bring attention to Orson Wells because he was at the Woodstock Opera House. I am Woodstock through and through. Outside my door is a sign, Gitlin and Gitlin lawyers harkening back to the day of my father's first day, first day as a lawyer in Woodstock in 1959. So, I stand tonight someone who truly loves Woodstock and I want to thank you, members of Plan Commission, for your investment of time, countless energy, countless hours for the betterment of our town Woodstock. I want to let the plan Commission know why my opposition to this proposed development has nothing to do with living in the area that would be directly affected. I would be opposed to the development had it come to my attention, for reasons that would have been that have been ably presented by the other speakers who presented in opposition to the proposal by Lennar.

My suggestion to you all is that perhaps the most telling speaker to present in the opposition to the proposed development is David Brandt, if you'll allow me the time to address it when we address the factors that you're supposed to consider, one of those factors is supposed to be the impact on water and natural resources in subsection D. David Brandt spoke, I thought eloquently, to the potential impact from a professional point of view with someone who has had experience in this county, in this city, working for McHenry County. Being an expert and having specifically done his own research and having done extensive research on the NRI. So, we have one person, I'd humbly suggest, who is an expert and then we have a developer who's acknowledged, and everyone should have be able to have a pursuit of happiness and profits.

But the point that Lennar acknowledged, when it comes to building basements, is that they are looking for profits. It suggested that when you listen to David Brandt, his point is that when we build these developments on this type of soil, set aside whether houses will have water problems, what he's suggesting is that if you build on this sort of land, because the unique sort of soil we will, the basements will allow the infiltration of contamination of the water nearby. He sounds like he knows what he is talking about and I would rather listen to an expert who's independent, who's worked here his entire life, 26 years, four years at NSI, four years in southern Illinois, and has spent 30 years in the industry. So, setting aside any questions, going to your point about buildability concerns, what I would suggest is appropriate is the extent of the impact on the sensitive aquifer recharge area, that's been touched on, but one of the points that I thought that hasn't been touched on enough is was pointed out in the letter from Megan, she looked at the language of Woodstock's 2008 Comprehensive Plan, and there are two of you here today who helped draft that plan.

That plan emphasized that when considering developments, we should ensure an adequate and clean supply of groundwater, see page 12 of your plan. The plan explains on page 22 that Woodstock relies on aquifers which are vulnerable to contamination for its water. Same point made by David Brandt. He said that your own report, your own plan says protecting soils and establishing open space is

important because of the impact on water recharge areas. The report continues by state. This plan sets protection of a recharge and well head areas natural ecosystems goes on as an important consideration when evaluating land use changes. That's what we are considering here today.

A lot of the presentation I'm suggesting by Lennar had focused on what had already had zoning, but we can't forget the fact that there are three parts of this. One part of this overall proposal by Lennar is to now annex into the City of Woodstock and then impose an entirely new form of zoning on something that has been zoned agricultural and then place higher density B3 townhomes on that location. How this ties into the subsection D portion that we're supposed to consider when we're evaluating A zoning change is that when we get to the recharge areas, (An exhibit was shown of the property in question) when we look at that image, it is true that there's a small part of that that the builders trying to responsibly address in terms of retention ponds. The problem identified by the expert is that when they do these retention areas, they're actually compounding the problems for area wells, but what is being related to us by Lennar is that when they build these areas of retention, these will be good and that the water is protected, the statement by the expert is that is exactly the opposite of appropriate planning in terms of focusing on protecting our sensitive aquifers. So if we look at this map, you can easily see that part of that is where we're going to have our duplexes.

If you look at the map the risk that's been identified by a number of speak a number of speakers is to their area wells and it's not as was suggested that the wells aren't necessarily going to go dry. They meant they may. But if you listen to Dave Brandt's points, the risk is that those wells will be contact contaminated.

Reviewing the criteria for addressing the changes to zoning, A, obviously is not applicable.

B is the zoning map amendment or rezoning will allow land uses that are compatible with existing uses and zoning of nearby property. One point I want to make to you is that if we review the staff report, and I don't mean to be critical of it, but if we review the staff report, one thing that should not be overlooked is the existing use for most of the surrounding land is as agricultural land. So, this is a change from the existing use. The point being made is that it's similar zoning, but it is not the same, it is significantly more limited and what's more limited when we go to B3, if we go to B3, is that we then allow the duplexes under the former type of zoning we couldn't have the much higher density with duplexes directly on Lucas Rd. So, I would just humbly point out in terms of factor B, those points in terms of the existing zoning. I would also point out subsection D when we get to that, all these people have spoken about the potential impacts of the subject property on the area surrounding it. When we just look at that map and we look at that being a sensitive aquifer area, when we overlay that with our underlying land use document from 2008, I acknowledge that's going to be updated, the suggestion is that this is not compliant with the critical section, Section D in terms of land use.

Then when we go to Section E, we've had people directly impacted who are experts, a realtor who's spoken to her knowledge that her per home will lose value, we've had other people come before your Commission and say the same thing. I would suggest that based upon this testimony, especially when you look at the 76 townhomes on this property facing Lucas Rd., it's inevitable common sense that there would be a significant major negative impact. And then we look at the community or public benefit drive, the thought is that this will be growth we have that had limited developers, actually none, sorry with this sort of major development.

The point here is that with this development in this place that when you're living right there on Lucas Rd. there is a tremendous amount of leakage in terms of people identifying almost more with Crystal Lake or almost more with Huntley than to Woodstock. The point with that is that tax dollars will inevitably go to Mariano's in Crystal Lake just as readily as the Jewel in Woodstock. We believe

this is good tax dollars and that's public benefit but I'm suggesting that it's not as certain as it's being portrayed with no offense to staff report.

So, all of this pales though when we talk about the zoning requirements to the fundamental point about the potential impact on area wells in the overall water supply.

In short, they're good developments, they're developments that provide affordable housing that provide high quality development that Woodstock could be proud of. This development has been articulated when they're looking for \$350 to \$400, I respectfully think this is not affordable housing. We urge that it's the developers burden to demonstrate its compliance with requirements of the ordinance for this particularly challenging series of parcels of real estate and that the developer cannot meet this burden. Thank you.

EXHIBIT I

Lisa Haderlein – 904 N. Jefferson, Harvard, IL 60033 representing the Land Conservancy of McHenry County, 4622 Dean Street, Woodstock, IL 60098

Just to clarify, when people have stated there are going to be 320 new neighbors, it is really 396 new neighbors because 76 of those homes are duplexes. What I wanted to point out is I still have the tree survey that the inventory was done in April of 2004, that was almost 20 years ago. The developer is saying, oh, it was done by a really great person, Chuck, who was the forester for Fox River Grove and then also had his own business for a long time, but it was done 20 years ago, and a lot of things have changed since 2004. We had a major recession, we had a pandemic, the City of Woodstock adopted new development standards in 2010, which include a Unified development ordinance that for Subdivision Planned Unit Development Design Standards, Chapter 8A. and when I go through that eight A 1.3 tree standards. There's several pages of tree standards, and I'll just read a few sections because when I saw the design for this subdivision, the first thing that I thought was, well, they're just pretending that these standards don't exist because they're completely ignoring them. The planting of additional trees and the preservation of existing trees is intended to accomplish the following objectives, To preserve trees is an important public resource, enhancing the quality of life and the general welfare to the city, to conserve and enhance the city's unique character and physical, historical and aesthetic environment, another factor to encourage the protection of healthy trees and provide for the replacement and or replanting of trees to prevent clear cutting and to minimize mass grading. This development will be mass graded, I mean that's the only way to do a development of this density and there will be clear cutting, there's not a way to do this and with any finesse to avoid those trees and oaks and sensitive trees like that are very negatively impacted by masquerading, even if it's not right up next to them. It changes hydrology, it changes how water flows, and those trees are going to be seriously affected.

There's a whole bunch of other things that outline the value of trees and Woodstock's commitment to them. In McHenry County, we have lost almost 90% of the Oak woods that were here at the time of European settlement. This property has one of the largest remaining remnant Old Growth Oak Hickory Woodlands in Woodstock. Just thinking about this being erased makes me really sad.

I'll bring up the tree survey requirements that have changed, the standard now is that every tree of natural value that's four inches or greater in size is supposed to be surveyed and all other existing trees with the diameter breast height of eight or more inches need to be surveyed. That wasn't the standard in 2004.

This ordinance also gives the Plan Commission that ability to recommend to the City Council that when there's an Annexation Subdivision, Plan Unit Development or Special Use that you can recommend that the area containing the trees be subject to the tree preservation easement maintained in perpetuities, open space, etcetera, etcetera. I would ask that at the very minimum the Planning Commission hold the development company to the standards in the City's ordinance in a City that is seeking to become a Tree City USA recognized.

I think it would be very ironic to approve a subdivision called Riverwoods which won't have a woods in it. Thank you for your consideration. Thank you for your service.

DRAFT

EXHIBIT J

Rob McCormick, 410 S. Rose Farm Road, Woodstock, IL 60098

I live off Rose Farm Road but have properties both inside and outside the city limits and I wanted to remind the Commission it was just last year that T-Mobile brought in Smart Growth America and members of their staff worked with the city staff over several months holding meetings with and seeking the input of not only the staff, but the mayor and members of the City Council. They held multiple workshops with a wide range of stakeholders and residents over three days and I participated in one of those workshops at the Stage Left Cafe and attended the public presentation given in the evening at the Opera House. Now I understand Smart Growth America's main task was to help the city determine where to focus spending, the T-Mobile grant, which we're all appreciative of, and the new federal funds. But an added benefit to them coming to Woodstock and making site visits throughout was that Smart Growth America also did an economic and fiscal impact analysis of prior developments and potential development patterns in Woodstock. They looked at previous developments built on the far-flung edges of the city.

I remember specifically Apple Creek Estates was one of the subdivisions they examined, and their fiscal analysis determined that developments like these do not pay, rather cost to the city. And I'm quoting their April 4th report that they submitted to the City Council cost to the city quote increase on a per capita basis the farther away that from the downtown core. End of quote. And if the cost of the city increases, it is the taxpayer who will really pay because that is who bears the cost. In fact, Smart Growth America recommended that quote, significant effort should be made to discourage such additional auto oriented developments. End of quote. Riverwoods is an auto oriented development. The taxpayer will pay for the cost for this exact type of development. Instead, Smart Growth America recommended that the city encourage, quote, fiscally sustainable development patterns. End of quote. Specifically, they said they should focus on increasing the residential population closer to downtown. Why? Because again, another quote, they called it quote, a high revenue per acre yield, meaning developments close to downtown produce a greater return in terms of real estate taxes and sales taxes collected versus the cost of infrastructure that needs to be built and maintained forever and services private provided forever. Development close into the downtown core is good urban design and a win for taxpayers. River Woods is not a good urban design and is not a win for taxpayers. Riverwoods is isolated. Look at the illustrative plan. That's overhead right now. It is another auto-oriented development. The people living there are either going to order from Amazon or just as likely as I suspect, turn towards Crystal Lake to do their shopping, then to Woodstock. So, the sales tax revenue generated by this development is speculative at best.

Smart Growth America warned the City Council in the report quote, growth for its own sake can often create fiscal hardships in the future, Woodstock should ensure that its growth plans do not trade short-term wins for long-term paying. End of quote. Ladies and gentlemen. far-flung subdivisions like this on the outskirts away from downtown do not pay for themselves. They cost us as taxpayers and waiving impact fees would be just adding insult to injury. If approved, this subdivision will be built on the back of existing taxpayers of Woodstock and will cost us well into the future. Please vote no. Thank you.